

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

STATE OF TEXAS, *et al.*,

Plaintiffs,

v.

Case No. 18-cv-00068

UNITED STATES OF AMERICA, *et al.*,

Defendants,

KARLA PEREZ, *et al.*,

Defendant-Intervenors,

and

STATE OF NEW JERSEY,

Defendant-Intervenor.

**FEDERAL DEFENDANTS' OPPOSITION IN RESPONSE TO
PEREZ DEFENDANT-INTERVENORS MOTION
TO POSTPOSE ALL DEADLINES IN RULE 16 SCHEDULING ORDER.**

INTRODUCTION

Perez Defendant-Intervenors have moved this Court to postpone all deadlines in the Rule 16 Scheduling Order in light of the 35-day lapse in appropriations to portions of the federal government.

ARGUMENT

Perez Defendant-Intervenors argue that good cause exists in support of their request because the lapse in appropriations “prevents Federal Defendants from fully participating in this case, and precludes Defendant-Intervenors from having a fair opportunity to timely discovery information essential to their claims.” ECF Dkt. No. 349 at 3. Perez Defendants-Intervenors cite

to Federal Defendants' service of initial disclosures, production of an administrative record, and pending discovery deficiency letter in support of their motion. *Id.* at 2. However, none of those events reflects a deadline set in the Rule 16 scheduling order. *See* ECF Dkt. 343. Federal Defendants are not aware of any discovery that Perez Defendant-Intervenors have pursued with regard to Federal Defendants since the November 14, 2018, initial conference. And, Perez Defendant-Intervenors offer no explanation for how the pendency of an administrative record that they have not requested or a newly raised discovery dispute challenging responses that Federal Defendants timely provided in July 6, 2018, impacts any scheduling order deadlines.

Therefore, the Court should deny Perez Defendant-Intervenors' motion at this time.

Dated: February 1, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2019, I electronically filed the foregoing with the Clerk of the Court by using the Court's CM/ECF system. I also certify that the foregoing document is being served this day on all counsel of record either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

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